

REMARKS

This amendment is responsive to the office action dated September 22, 2005. Claims 1-4, 6-9, 24-33, and 36-38 are pending in this application. Of these claims, the Examiner has withdrawn claims 36 and 37 from consideration in this application on the basis that these claims are directed to an invention that is independent and distinct from the invention defined by the remaining claims.. Applicants reserve the right to pursue those claims in another divisional application. Also, claims 24-33 are indicated on the summary page of the office action, yet on page 5, only claims 24-30 and 32 are indicated as allowed. On the summary page of the office action, claims 1-4, 6-9 and 38 are rejected. Reconsideration of this application based on the amendments and arguments presented here is respectfully requested.

Rejection Under 35 U.S.C. § 112

In paragraph 4 of the office action, the office action rejected claims 31 and 33 under 35 U.S.C. Section 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regards as the invention. The Patent Office regards the use of a trademark or trade name in a claim to identify or describe a material or product as not only rendering a claim indefinite, but also as constituting an improper use of the trademark or trade name. Applicants have amended claim 31 to remove the reference to a trademark. The Patent Office is respectfully requested to withdraw the 35 U.S.C. Section 112 rejection of claim 31 and claim 33, which depends from claim 31 and to allow these claims.

Rejection Under 35 U.S.C. §103

In paragraph 8 of the office action, the office action rejects claims 1-4, 6-9, 29, and 38 as unpatentable over Will in view of Windsor et al., as stated in paragraph 9 of the office action dated January 16, 2004. With respect to Applicants' prior response to the 103 rejection, in paragraph 11, the Patent Office further notes that because Applicants' attorney at the time, failed to traverse the Official notice in a response to the office action of May 7, 2003, Applicants' can not raise that now and have forfeited this claimed subject matter. The undersigned respectfully submits that Applicants' counsel at the time a response to the office action of May 7, 2003, was another firm, therefore, the undersigned cannot speculate as to whether the attorney at the time

had read or comprehended the rejection. Accordingly, Applicants continue to negate the 103 rejection, for the following reasons.

Will is generally directed to the control of a handheld miniature personal digital assistant (PDA). Will teaches using complex menus that display items for use by sophisticated applications, including those that require the entry of alphanumeric data, such as a telephone and address directory and date book. The Examiner referred to FIG. 8a of Will as showing the retrieval of an address record from an address directory, and referred to FIGS. 8b and 8d for the display of the details of an identified address record.

In particular, Applicants note that Windsor at FIG. 7C discloses a phone log in a non-PDA context. Windsor is generally directed to the use of a conversion device for retrieving call detail information from incoming and outgoing calls. The retrieved call detail information can then be written to a database and displayed on a display unit. In the Office Action, the Examiner noted that Will did "not disclose a tap recognizer and wherein the display device is configured to select a tapped list record and to initiate a call, in a method of managing a phone device, for the purpose of providing identification of both incoming and outgoing calls." The tap recognizer element of Applicants' claim 1 is supposedly met by the conversion device 22 of Windsor. As illustrated in FIG. 1 of Windsor, the conversion device 22 is coupled to both a telephone station 26 and a computer system 34 by means of data connections. The conversion device may either be a stand alone device or in a computer interface board format for direct installation into a well known computing device. *See*, col. 4, line 45 to col. 5, line 13 of Windsor. In operation, the conversion device can retrieve information (e.g., calling party's name, calling party's phone number information, time and date of the call, type of call, telephone line call was placed on, etc.) from a call and make it available to the computing device for storage and display. As noted above, an example of a phone log is illustrated in FIG. 7C of Windsor.

In applying Windsor to Applicants' claim 1, the Examiner asserted that the conversion device was analogous to Applicants' tap recognizer. At page 16, lines 9-11, Applicants describe a tap recognizer as an element that enables recognition of tapping on the screen. Even with the Examiner's broad interpretation of a tap recognizer that apparently refers to a conversion device that taps into a telephone call, Windsor still cannot be applied to Applicants' claim 1. As claim 1 recites, the "phone device includes a tap recognizer." Windsor's conversion device, on the other

hand, is defined to be distinct from a telephone station. The only integration of the conversion device with another component in Windsor is with the computer system. Therefore, Windsor's conversion device cannot be applied to Applicants' tap recognizer.

In summary, Applicants submit that the Examiner's rejection is deficient for at least the following reasons: (1) Windsor does not appear to show a phone device including a tap recognizer; and (2) no basis for modifying the teachings of Will with a call list record has been provided. For at least these reasons, Applicants submit that the Examiner has not presented a prima facie case of obviousness with respect to claim 1. The rejection of claim 1 is therefore traversed. Since claims 2-4 and 6-9 are dependent either directly or indirectly from independent claim 1, they are also allowable for the reasons demonstrated above with respect to claim 1.

Applicants further note that claim 29 has been amended to be dependent on previously allowed independent claim 24. The rejection of claim 29 is therefore rendered moot.

Conclusion

Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. The Examiner is invited to telephone the undersigned representative if an interview might be useful for any reason.

Respectfully submitted,
BERRY & ASSOCIATES P.C.

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